IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 21457 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LOMESH ARVINDBHAI PATEL & 1 - Petitioner(s)

Versus

KARAMSAD MUNICIPAL BOROUGH & 1 - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner(s) : 1 - 2.
MR MUKESH H RATHOD for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 24/10/2005

ORAL JUDGMENT

1. Rule. Learned advocate Shri Rathod waives service of rule on behalf of the respondents. At the request of

learned advocates appearing for the parties, petition is taken up for final disposal today.

2. The main grievance made by the petitioners herein is that the respondents are not giving the benefits of time scale of pay though they have discharged the duties since number of years, that sanction posts are available, that similarly situated persons are given pay fixation in time scale of pay and that the respondents have also passed necessary resolutions in this regard.

3. The petitioners have produced two resolution both dated 9/9/2005 deciding to give such benefits to the petitioners. Learned advocate Shri Rathod appearing for the respondent was unable to dispute that such resolutions have been passed. When the respondents have passed resolution deciding to give certain benefits of pay scale to the petitioners, it is expected that the respondents should implement the same from the due date. Learned advocate Shri Rathod submitted that the respondents have to obtain necessary sanction from Director of Municipalities.

4. Considering the submissions made and the factual

situation arising the respondents are directed to take steps to implement its resolution after obtaining necessary permission as required under the law.

5. Until such exercise is completed and subject to final outcome thereof, petitioners shall receive proper wages in time scale of pay as is being paid to similarly situated employees such payments be made for period beginning from 1st September, 2005 onwards. Petition is disposed of accordingly.

6. Direct service is permitted.

(Akil Kureshi, J.)

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